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ARNOLD L. KERT
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GEORGIA SKEVOFILAX

June 29, 2006

The court directs plaintiff to respond to this letter no later than July 7, 2006. In the interim, the court stays enforcement of the judgment until this matter is resolved.

SO ORDERED.

**VIA FACSIMILE (718)613-2386
AND ELECTRONIC FILING**

Justice Allyne R. Ross
United States District Court
Eastern District of New York
225 Cadman Plaza
Brooklyn, New York 11201

Allyne R. Ross

June 29, 2006 Allyne R. Ross, USDJ

cc: counsel

Re: Mazzetta Company, LLC v. Anchor Frozen Food Corp.
Index No.: 05-CV-5224 (ARR)

Dear Judge Ross:

Please be advised that this office represents Anchor Frozen Food Corp., the Defendant in the above referenced matter.

As this Court is aware, an "Opinion and Order" was issued on June 21, 2006, wherein your Honor adopts the Report and Recommendation of the Plaintiff and granted Plaintiff's motion for a default judgment against our client. Specifically, this Court ordered that Anchor Frozen Food Corp., be permanently enjoined from using the marks ACARA and ACARA PESCA. In addition, this Court entered judgment against Anchor Frozen Food Corp., in the amount of \$10,738.55.

However, upon information from the President of Anchor Frozen Foods Corp., the first time the Defendant received notice of this lawsuit was when this Court's "Opinion and Order", dated June 21, 2006, was received by them through regular mail several days ago. Upon reviewing the Court Clerk's file, an affidavit of service for the Complaint in this matter was filed, wherein it is indicated that service was made on November 8, 2005, upon an individual by the name of Sara Liningham. It is respectfully submitted to this Court that Anchor Frozen Food Corp., did not have an employee by the name of Sara Liningham on November 8, 2005, and therefore did not receive a copy of the Complaint in this matter. Therefore, service of the Complaint in this matter was not properly effectuated, and the Defendant was not put on notice of the commencement of this lawsuit against them.

In light of the above, and in light of the fact that our client has a meritorious defense to the claims set forth in Plaintiff's Complaint, it is respectfully requested that this Court grant leave to Defendant to file a Motion to Vacate the Default Judgment, or in the alternative schedule a conference where the parties can further discuss this matter. In addition, it is respectfully requested that this Court stay enforcement of the judgment in the amount of \$10,738.55 which is set forth in the "Opinion and Order" until such time as this issue is resolved or until further Order of this Court.

If you should have any questions, please do not hesitate to contact this office. Thank you for your attention to this matter.

Respectfully submitted,

ARNOLD L. KERT

ARNOLD L. KERT (ALK3106)

alk/gs

cc: Monica McCabe, Esq.,
DLA Piper Rudnick Gray Cary US LLP
via facsimile (212)335-4501

Anchor Frozen Food Corp.